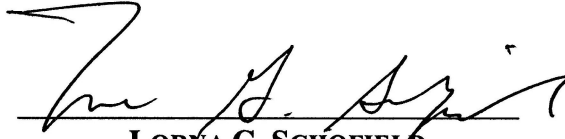


In the Court's decision regarding whether a document may be filed under seal, the three-part test in *Lugosch* -- not the Parties' Protective Order -- controls. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). Defendants and third parties Mitchell International, Inc. and J.D. Power shall file a letter(s) by **March 31, 2022**, stating whether they seek to maintain the redacted portions of Plaintiffs' letter at Dkt. No. 95 under seal, and if so, identifying the basis for sealing the redacted portions in accordance with the three-part test in *Lugosch*.

Plaintiffs shall serve a copy of this Order on third parties Mitchell International, Inc. and J.D. Power by **March 29, 2022**.

So ordered.

Date: March 28, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

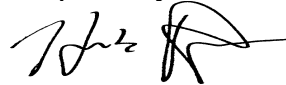
Re: *Volino, et. al. v. Progressive Casualty Ins. Co., et al.*, No. 1:21-cv-06243-LGS

Dear Judge Schofield:

Pursuant to Rule I.D.3 of the Court's Individual Rules of Practice, and the Stipulated Protective Order entered on October 21, 2021 (Doc. 45), Plaintiffs respectfully request leave to file under seal Plaintiffs' letter-motion requesting a pre-motion conference to file a motion for class certification. The letter-motion references and discusses information that Defendants Progressive Advanced Insurance Company ("PAIC"), Progressive Max Insurance Company ("PMIC"), and Progressive Casualty Insurance Company ("PCIC") (collectively "Defendants") have designated as confidential as well as information that third parties Mitchell International, Inc. ("Mitchell") and J.D. Power have designated as confidential. Plaintiff seeks leave to file the letter-motion under seal to protect Defendants', Mitchell's and J.D. Powers's confidential information. Pursuant to Rule I.D.3, and paragraph ten of the Stipulated Protective Order, a redacted copy of the letter-motion will be publicly filed contemporaneously, along with a copy of the unredacted letter with highlighted redactions under seal.

Counsel for Plaintiffs conferred with Defendants' counsel, who agreed that the letter-motion requesting a pre-motion conference on Plaintiffs' motion for class certification should be filed under seal.

Respectfully submitted,



Hank Bates

cc: All Counsel of Record via ECF

APPENDIX 1

Pursuant to Rule I.D(3), the following attorneys of record should have access to the sealed letter-motion requesting a premotion conference on Plaintiffs' motion for class certification:

Counsel for Plaintiffs	Counsel for Defendants
<p>Jacob L. Phillips (<i>Pro Hac Vice</i>) NORMAND PLLC 3165 McCrory Place, Suite 175 Orlando, FL 32803 Telephone: (407) 603-6031 Email: jacob.phillips@normandpllc.com Email: ean@normandpllc.com</p> <p>Joseph Henry (Hank) Bate, III (<i>Pro Hac Vice</i>) Tiffany Wyatt Oldham (<i>Pro Hac Vice</i>) Edwin Lee Lowther, III (<i>Pro Hac Vice</i>) Jake G. Windley (<i>Pro Hac Vice</i>) Carney Bates & Pulliam, PLLC 519 W. 7th Street Little Rock, AR 72201 Telephone: (501) 312-8500 Email: hbates@cbplaw.com Email: toldham@cbplaw.com Email: llowther@cbplaw.com Email: jwindley@cbplaw.com</p> <p>Mariam Grigorian (<i>Pro Hac Vice</i>) Shamis & Gentile, P.A. 14 NE 1st Avenue, Suite 705 Miami, FL 33132 Telephone: (305) 479-2299 Email: mgrigorian@shamisgentile.com</p> <p>Scott Adam Edelsberg (<i>Pro Hac Vice</i>) Christopher Chagas Gold (<i>Pro Hac Vice</i>) Edelsberg Law 20900 NE 30th Avenue, Suite 417 Aventura, FL 33180 Telephone: (305) 975-3320 Email: scott@edelsberglaw.com Email: chris@edelsberglaw.com</p>	<p>Laura Elizabeth Harris King & Spalding LLP 1185 Avenue of the Americas New York, NY 10036 Telephone: (212) 790-5360 Fax: (212) 556-2222 Email: lharris@kslaw.com</p> <p>Jeffrey Cashdan (<i>Pro Hac Vice</i>) Allison Hill White (<i>Pro Hac Vice</i>) James Matthew Brigman (<i>Pro Hac Vice</i>) Zachary Andrew McEntyre (<i>Pro Hac Vice</i>) King & Spalding LLP 1180 Peachtree Street NE, Suite 1700 Atlanta, GA 30309 Telephone: (404) 572-5600 Email: jcashdan@kslaw.com Email: awhite@kslaw.com Email: mbrigman@kslaw.com Email: zmcentyre@kslaw.com</p> <p>Julia Constance Barrett (<i>Pro Hac Vice</i>) King & Spalding LLP 500 W. 2nd Street, Suite 1800 Austin, TX 78701 Telephone: (512) 457-2053 Email: jbarrett@kslaw.com</p>

<p>Thomas M. Mullaney Law Offices of Thomas M. Mullaney 530 Fifth Avenue, 23rd Floor New York, NY 10036 Telephone: (212) 223-0800 Fax: (212) 661-9860 Email: Mulllaw@msn.com</p>	
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